



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

HELLER EHRMAN LLP  
4350 LA JOLLA VILLAGE DRIVE #700  
7TH FLOOR  
SAN DIEGO CA 92122

**COPY MAILED**

**FEB 15 2007**

**OFFICE OF PETITIONS**

In re Application of :  
Simon Mellor, et al. :  
Application No. 10/085,340 :  
Filed: February 27, 2002 :  
Attorney Docket No. 42792-6061 :  
: DECISION ON PETITION  
: TO WITHDRAW  
: FROM RECORD

This is a decision on the renewed petition to Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 4, 2007.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, “[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]” More specifically, 37 CFR 10.40 states, “[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is” for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, “the assignee has requested a transfer of this application”, do not meet any of the conditions set forth in 37 CFR 10.40.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being

submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.



April M. Wise  
Petitions Examiner  
Office of Petitions

cc: DAVID HENTY  
MYERS, DAWES, ANDRAS & SHERMAN  
19900 MACARTHUR BLVD.  
SUITE 1150  
IRVINE, CA 92812